

THIS AMENDED RULE WAS APPROVED BY THE UTAH STATE BOARD OF EDUCATION AND IS PUBLISHED IN THE FEBRUARY 1, 2009 UTAH STATE BULLETIN, SUBJECT TO A 30-DAY COMMENT PERIOD, WITH A FIRST POSSIBLE EFFECTIVE DATE OF MARCH 10, 2009.

R277. Education, Administration.

R277-510. Educator Licensing - Highly Qualified Assignment.

R277-510-1. Definitions.

A. "Board" means the Utah State Board of Education.

B. "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography under the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), Title IX, Part A, 20 U.S.C. 7801, Section 9101(11).

C. "Date of hire" means the date on which the initial employment contract is signed between educator and employer for a position requiring a professional educator license.

D. "Endorsement" means a qualification based on content area mastery obtained through a higher education major or minor or through a state-approved endorsement program, consistent with R277-503-1[-]E and R277-503-5.

E. "Highly qualified" means a teacher has met the specific requirements of ESEA, NCLB, Title IX, Part A, 20 U.S.C. 7801, Section 9101(23) or 34 CFR 200.56.

F. "IDEA" means the Individuals with Disabilities Education Act, Title 1, Part A, Section 602.

G. "Multiple subject teacher" means a teacher in a necessarily existent small school as defined under R277-445 or as a special education teacher ~~[defined under R277-510H]~~ consistent with IDEA, Title 1, Part A, Section 602, or in a Youth in Custody program as defined under R277-709 or a board-designated alternative school whose size meets necessarily existent small school criteria as defined under R277-445, who teaches two or more Core academic subjects defined under R277-510-1B or under R277-700.

H. "NCLB" means the Elementary and Secondary Education Act (ESEA), also known as the No Child Left Behind Act (NCLB), 20 U.S.C. 7801.

I. "Restricted endorsement" means an endorsement available and limited to teachers in necessarily existent small schools as determined under R277-445, teachers in alternative schools ~~[who]~~ that meet the size criteria of R277-445, and teachers in youth in custody programs or to special educators seeking highly qualified status in mathematics, language arts, or science. Teacher qualifications shall include at least nine semester hours of USOE-approved university-level courses in each course taught by the teacher holding a restricted endorsement.

J. "Teacher of record" for the purposes of this rule means the teacher to whom students are assigned for purposes of reporting for USOE data submissions.

K. "USOE" means the Utah State Office of Education.

~~[L. "Veteran Teacher" means a teacher whose date of hire in a Utah public school was prior to July 1, 2005, and who held a level 1, 2, or 3 license at that time.]~~

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R277-510-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Section 53A-1-401(1)(a) which directs the Board to establish rules setting minimum standards for educators who provide direct student services, and Section 53A-1-401(3) which permits the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide definitions and requirements for an educator assignment to meet federal requirements for highly qualified status.

R277-510-3. NCLB Highly Qualified Assignments - Early Childhood Teachers K-3

A. For a teacher assignment to be designated as NCLB highly qualified, the teacher's qualifications shall match the NCLB requirements of content expertise for the assignment. A special educator assigned in an elementary school as the classroom teacher of record shall meet the NCLB requirements for the assignment. The teacher shall have:

- (1) a bachelor's degree; and
- (2) an educator license with an early childhood area of concentration; and

(3) ~~[at least one of the following:~~
~~—(a)—~~a passing score at the level designated by the USOE on a Board-approved subject area test~~[; or].~~

~~[(b) a Level 2 license with documentation of satisfaction of the veteran teacher requirements for the assignment as described in R277-510-8.]~~

B. NCLB requirements do not apply to ~~[any]~~pre-K assignments.

R277-510-4. NCLB Highly Qualified Assignments - Elementary Teachers 1-8

A. For a teacher assignment to be designated as NCLB highly qualified, the teacher's qualifications shall match the NCLB requirements of content expertise for the assignment. A special educator assigned in an elementary school as the classroom teacher of record shall meet the NCLB requirements for the assignment. The teacher shall have:

- (1) a bachelor's degree; and
- (2) an educator license with an elementary area of concentration; and

(3) ~~[at least one of the following:~~
~~—(a)—~~a passing score at the level designated by the USOE on a Board-approved subject area test~~[; or].~~

~~[(b) a Level 2 license with documentation of satisfaction of veteran teacher requirements for the assignment as described in R277-510-8.]~~

B. A teacher holding a license with an elementary area of

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concentration assigned to teach an NCLB core academic subject in a secondary school shall meet the requirements of R277-510-3([B]A).

R277-510-5. NCLB Highly Qualified Assignments - Secondary Teachers 6-12

A. For a teacher assignment to be designated as NCLB highly qualified, the teacher's qualifications shall match the NCLB requirements of content expertise for the assignment. The teacher shall have:

- (1) a bachelor's degree; and
- (2) an educator license with a secondary area of concentration and endorsement in the content area assigned; and
- (3) at least one of the following in the assignment content area:

- (a) a university major degree, masters degree, doctoral degree, or National Board Certification in a related NCLB core academic content area; or

- (b) a course work equivalent of a major degree (30 semester or 45 quarter hours) in a related NCLB core academic content area; or

- (c) a passing score at the level designated by the USOE on a Board-approved subject area test; if no Board-approved test is available, an endorsement is sufficient for highly qualified status[; or

~~(d) documentation of satisfaction of the veteran teacher requirements for the assignment as described in R277-510-8].~~

B. An assignment in grades 7 or 8 given to a teacher holding an elementary area of concentration may be designated as NCLB highly qualified if the teacher holds an endorsement in the content area and meets one of the requirements of R277-510-5A(3) above.

C. These requirements are only applicable to NCLB core academic subject assignments.

D. Each NCLB core academic course assignment is subject to the above standards.

R277-510-6. NCLB Highly Qualified Assignments - Special Education Teachers

A. For a special education teacher assignment in grades K-8~~[7 or K-12 teaching students who are assessed using the Utah Alternative Assessment,]~~ to be designated as NCLB highly qualified, the teacher's qualifications shall match the NCLB requirements of content expertise for the assignment. A special educator assigned as the classroom teacher of record for a NCLB core academic subject shall have:

- (1) a bachelor's degree; and
- (2) an educator license with a special education area of concentration; and

- (3) any one of the following in the assignment content area:

- (a) a passing score on a Board-approved elementary content test; or

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~~[(b) documentation of satisfaction of the veteran teacher requirements for the assignment as described in R277-510-8; or]~~

~~[(c)b) a university major degree, masters degree, doctoral degree, or National Board Certification and an endorsement in the content area; or~~

~~[(d)c) a course work equivalent of a major degree (30 semester or 45 quarter hours) and an endorsement in the content area; or~~

~~[(e)d) a passing score at the level designated by the USOE on a Board-approved subject area test and an endorsement in the content area.~~

(4) A special educator who would be NCLB highly qualified as a teacher of record in an elementary/early childhood regular education assignment is also NCLB highly qualified as a teacher of record in a special education assignment.

B. For a special education teacher assignment in grades ~~[9]~~7-12 to be designated as NCLB highly qualified, the teacher's qualifications shall match the NCLB requirements of content expertise for the assignment. A special educator assigned as the classroom teacher of record for a NCLB core academic subject shall have:

(1) a bachelor's degree; and

(2) an educator license with a special education area of concentration; and

(3) any one of the following in the assignment content area:

~~[(e)a) a passing score at the level designated by the USOE on a Board-approved subject area test.~~

~~[(a)b) a passing score on a Board-approved [fundamental multi-subject]content test; or~~

~~[(b)c) documentation of [satisfaction of the veteran teacher requirements for the assignment as described in R277-510-8]satisfactory professional development and experience as approved by the USOE; or~~

~~[(e)d) a university major degree, masters degree, doctoral degree, or National Board Certification; or~~

~~[(d)e) a course work equivalent of a major degree (30 semester or 45 quarter hours) [; or~~

~~[(e) a passing score at the level designated by the USOE on a Board-approved subject area test].~~

C. IDEA may contain requirements for teacher qualifications in addition to the requirements of NCLB and this rule. R277-510 does not replace, supercede, or nullify any of those requirements.

R277-510-7. NCLB Highly Qualified Assignments - Small Schools Multiple Subject Teachers 7 - 12

A. For a small school multiple subject teacher assignment to be designated as NCLB highly qualified, the teacher's qualifications shall match the NCLB requirements of content expertise for the assignment. The teacher shall have:

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- (1) a bachelor's degree; and
 - (2) an educator license with a secondary area of concentration; and
 - (3) an endorsement~~[or a restricted endorsement]~~ in the assignment content area; and
 - (4) at least one of the following in the assignment content area:
 - (a) a university major degree, masters degree, doctoral degree, or National Board Certification; or
 - (b) a course work equivalent of a major degree (30 semester or 45 quarter hours); or
 - (c) a passing score at the level designated by the USOE on a Board-approved subject area test~~;~~ or
 - ~~[(d) documentation of satisfaction of the veteran teacher requirements for the assignment as described in R277-510-8; or~~
 - ~~(e) a passing score on a Board approved fundamental multi-subject test].~~
- B. The Director of Educator Quality ~~[Services]~~and Licensing at the ~~[Utah State Office of Education]~~USOE shall annually publish a list of qualifying small schools, consistent with R277-445.

~~[R277-510-8. Highly Qualified Requirements for Assignment of Veteran Teachers]~~

- ~~A. Veteran teachers in Early Childhood and Elementary assignments who hold Early Childhood or Elementary areas of concentration may meet highly qualified requirements by:~~
- ~~(1) completion of an elementary or early childhood major or both from an accredited university; or~~
 - ~~(2) a review of college and university transcripts that identify that credits have been earned in the following areas with academic grades of C or better:~~
 - ~~(a) Nine semester hours of language arts/ reading or the equivalent as approved by the USOE; and~~
 - ~~(b) six semester hours of physical/biological science or the equivalent as approved by the USOE; and~~
 - ~~(c) nine semester hours of social sciences or the equivalent as approved by the USOE; and~~
 - ~~(d) nine semester hours of college level mathematics or the equivalent as approved by the USOE; and~~
 - ~~(e) three semester hours of arts or the equivalent as approved by the USOE.~~
- ~~B. Veteran teachers in secondary NCLB core subject assignments who hold a secondary area of concentration may meet highly qualified requirements by having:~~
- ~~(1) an endorsement in a subject area directly related to the teacher's academic major; or~~
 - ~~(2) a current endorsement for the assignment and completion of 200 professional development points, accrued after the endorsement was approved by the USOE, directly related to the area of~~

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~~assignment. No more than 100 points may be earned for successful teaching in the related areas.]~~

R277-510-[9]8. LEA Highly Qualified Plans

A. Each school district and charter school shall submit a plan to the USOE describing strategies for progressing toward and maintaining the highly qualified status of all educator assignments to which this rule applies. Each plan shall be updated annually.

B. The USOE shall review school district and charter school plans and provide technical support to districts and charter schools to assist them in carrying out their plans to the extent of staff/resources available.

C. The USOE shall set timelines for submission and review of school district and charter school plans.

~~[R277-510-10. Highly Qualified Time Lines~~

~~A. NCLB requires that all NCLB core subject assignments meet highly qualified standards as of July 1, 2006. Utah school districts and charter schools shall work toward and have plans in place to ensure progress toward this requirement.~~

~~B. Documented determinations of highly qualified status under previously enacted Board rules shall remain in effect notwithstanding any subsequent changes in highly qualified requirements.]~~

R277-510-[11]9 Highly Qualified Timelines and Rules in Relation to Other Board Rules.

A. Documented determinations of highly qualified status under previously enacted Board rules shall remain in effect notwithstanding any subsequent changes in highly qualified requirements.

B. Other Board rules may include requirements related to licensure or educator assignment that do not specifically apply to NCLB highly qualified assignment status. R277-510 does not supercede, replace, or nullify any of these requirements.

KEY: educator, highly qualified

Date of Enactment or Last Substantive Amendment: [August 7, 2007] 2009

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(1)(a); 53A-1-401(3)